

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 5-28-02/cm

DAVID SAMSON
ATTORNEY GENERAL OF NEW JERSEY
Division of Law, 5th Floor
P.O. Box 45029
124 Halsey Street
Newark, New Jersey 07101
Telephone: (973) 648-4735

By: Nancy Costello Miller
Deputy Attorney General

CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SURRENDER)
OF THE LICENSE OF)

DONALD DOBROWOLSKI, D.M.D.)
LICENSE NO. DI 13038)

TO PRACTICE DENTISTRY IN THE)
STATE OF NEW JERSEY)

Administrative Action

CONSENT ORDER OF
VOLUNTARY SURRENDER
OF LICENSURE

This matter was opened to the New Jersey State Board of Dentistry upon receipt of information provided from Raymond F. Hanbury, Jr., Ph.D., and Raymond Baum, M.D., that Donald Dobrowolski, D.D.S. ("respondent"), had consumed alcohol on March 16, 2002, and refused to submit to a urine test while at Saint Barnabus Behavioral Health Center, which refusal is deemed to be a confirmed, positive urine test. Respondent has had a history of substance abuse and has been practicing dentistry in this State

under restrictions imposed by the Order of Reinstatement dated April 20, 2000, as modified by the Board's order of April 23, 2001.

Since the Board was notified of respondent's alcohol use and refusal to submit to a urine test, respondent has intensified his out patient treatment program and has worked closely with Dr. Hanbury, his treating psychologist. Respondent has ceased practicing dentistry as of April 26, 2002. In light of the information presented, respondent seeks leave to voluntarily surrender his license to dentistry in the State of New Jersey without prejudice and in accordance with the terms of this Order. The Board finds this disposition to be adequately protective of the public health, safety and welfare;

THEREFORE, IT IS ON THIS DAY OF MAY, 2002,

ORDERED:

1. Respondent, Donald Dobrowolski shall surrender his license to practice dentistry in the State of New Jersey for an indefinite period.

2. Respondent shall return his original New Jersey license, current biennial registration, and his current CDS registration to the State Board of Dentistry, 124 Halsey Street, Post Office Box 45005, Newark, New Jersey, 07101, upon his receipt of a filed copy of this Order.

3. Respondent shall comply with the attached directives for dentists whose surrender of licensure has been accepted by the

Board, which are incorporated here by reference, and shall immediately advise the DEA of this Order.

4. Respondent shall submit to an independent evaluation at his expense by a Board approved psychiatrist or psychologist. The report of such evaluation shall be provided to the Board.

5(a.) Respondent shall have his urine monitored not less than two times per week at a laboratory facility designated by the Board to continue until further order of the Board expressly reducing or discontinuing testing. Respondent shall be provided with specific directions for the protocol of the testing procedure and the location of the laboratory facility by the Executive Director of the Board. The urine monitoring shall be conducted with direct witnessing of the taking of the samples as designed by the laboratory facility. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests will be performed by gas/chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

(b.) All test results shall be provided to Kevin B. Earle, Executive Director or the Board, or his designee in the event he is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different

methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c.) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Kevin B. Earle, or his designee. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, respondent must provide the Board with written substantiation of his inability to appear for a test within two (2) days, e.g., a physician's report attesting that respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d.) In the event respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing. The Board may, in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

6. Respondent shall continue in counseling, at his own expense. Respondent shall be responsible for ensuring that the psychotherapist and psychiatrist provide the Board with a report relating to respondent's relapse and the prognosis for recovery.

7. Respondent shall attend support groups, including NA or AA not less than four (4) times per week. Respondent shall provide evidence of attendance at such groups directly to the Board. If respondent has discontinued attendance at any of the support groups without obtaining approval of the Board, he shall be deemed in violation of this Order.

8. Respondent shall not possess any controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse. Respondent shall cause any physician or dentist who prescribed medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than two (2) days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

9. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treating

or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. With regard to any requirement for submission of the quarterly reports to the Board, the beginning of the first quarter is deemed to have commenced May 15, 2002.

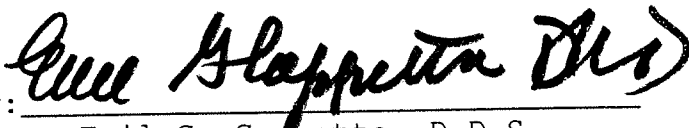
10. Prior to any restoration of his license, respondent shall:

- a. Appear before the Board or a committee thereof to discuss his readiness to return to the practice of dentistry. At that time respondent shall be prepared to propose his plans for future practice in New Jersey.
- b. Provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that he is not then suffering from any impairment or limitation resulting from the use of cocaine, alcohol or any C.D.S. which could affect his practice.
- c. Provide the Board with reports from each and every mental health professional (including, but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in respondent's care and/or treatment for the disability in this matter.

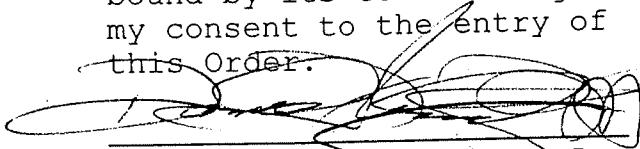
d. Provide the Board with a report from the New Jersey Dental Association Chemical Dependency Program or the Physicians Health Program detailing the nature and extent of his involvement with that entity, if any.

11. The entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from respondent's conduct.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Emil G. Cappetta, D.D.S.
President

I have read and understand this Order and agree to be bound by its terms. I give my consent to the entry of this Order.


Donald Dobrowolski, D.M.D.

Dated: 5/14/02